

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

FINDINGS OF FACT AND CONCLUSIONS OF LAW

On May 25, 2005, a bench trial was held in this case in Benton, Illinois, after which the Court found in favor of Plaintiff Charles Baggett and against Defendant United States of America. Per FED. R. CIV. P. 52(a), the following findings of fact and conclusions of law are submitted. Unless otherwise specified, all of the following events occurred on October 28, 2002—the date of the accident.

1. Plaintiff owned a 1985 GMC pickup truck.
2. Eric Hartzell (hereinafter "Hartzell") and Bryan Fogle (hereinafter "Fogle") were employed by Plaintiff and acting within the scope of their employment at the time of the accident.
3. Hartzell was driving Plaintiff's 1985 GMC pickup truck eastbound on Johnston City Road in Saline County, Illinois when the accident occurred.
4. Fogle was a passenger in Plaintiff's pickup truck when the accident occurred.
5. Doris J. Nolen (hereinafter "Nolen") was driving a 1997 Ford Ranger pickup truck eastbound on Johnston City Road in Saline County, Illinois, in front of Plaintiff's vehicle immediately before the accident.
6. Nolen was an employee of the United States Postal Service and was acting in the scope of her employment as a rural mail carrier at the time of the accident.
7. Nolen was sitting in the center of her truck while she was driving and delivering the mail on Johnston City Road.
8. As Hartzell approached Nolen, he lawfully attempted to pass Nolen.

9. As Hartzell was in the process of passing Nolen, Nolen crossed the centerline of Johnston City Road in an attempt to turn left into a private driveway.

10. Plaintiff's pickup truck and Nolen's pickup truck collided in the westbound lane of Johnston City Road.

11. The front left corner of Nolen's truck struck the rear passenger side of Plaintiff's truck.

12. Nolen did not give an appropriate signal of intention to turn left until after Hartzell had already begun to pass Nolen.

13. Nolen failed to keep a proper lookout for other vehicles on Johnston City Road, specifically the vehicle driven by Hartzell, before attempting to make a left turn from Johnston City Road onto a private driveway.

14. Nolen attempted to make a left turn from the Johnston City Road onto a private driveway without having first determined that such movement could be made with reasonable safety.

15. Plaintiff's truck sustained damage as a direct and proximate result of Nolen's negligence in the amount of \$1,845.00

16. Nolen was negligent when she attempted to make a left turn from Johnston City Road onto a private driveway.

17. Nolen's negligence was the sole and proximate cause of the damage to plaintiff's 1985 pickup truck.

18. As a direct and proximate result of Nolen's negligence, Plaintiff sustained property damage to his 1985 pickup truck in the amount of \$1,845.00.

Dated: June 6, 2005.

/s/ J. Phil Gilbert
J. PHIL GILBERT
U.S. District Judge